1	E-filed on10/26/06		
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8	IN THE UNITED STATES DISTRICT COURT		
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
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12	IN RE CYGNUS TELECOMMUNICATIONS TECHNOLOGY, LLC, PATENT	No. MDL-1423 This Order Applies to All Actions	
13	LITIGATION	C-02-00142 RMW	
14	THIS ORDER RELATES TO:	C-02-00145 RMW C-02-05437 RMW	
1516	All Actions	C-03-03594 RMW C-03-03596 RMW C-03-03378 RMW	
17		C-03-04003 RMW C-04-03001 RMW	
18		C-04-03365 RMW C-04-04247 RMW	
19		C-04-04359 RMW C-06-03843 RMW	
20		C-06-04295 RMW C-06-06479 RMW	
21		ORDER REGARDING SUBJECT-MATTER JURISDICTION	
22		_ • • • • • • • • • • • • • • • • • • •	
23	On October 24, 2006, defendants filed a notice of a potential defect in this court's subject-		
24	matter jurisdiction and stated that they may move to dismiss on that ground. Any questions		
25	regarding subject-matter jurisdiction should be resolved prior to the hearing on claim construction		
26	and associated summary judgment motions currently set for November 20. To accommodate the		
27	competing concerns of expediency and efficiency presented by this situation, the court would		
28	strongly prefer defendants to file any motion to dismiss for lack of subject-matter jurisdiction—an		
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ORDER REGARDING SUBJECT-MATTER JURISDICTION—MDL-1423 JAH

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only if one is warranted—jointly by October 31, 2006. If the defendants do file such a motion by		
that date, plaintiff's reply shall be due November 4, defendants' joint reply shall be due November 6		
and a hearing shall be held on the motion on November 10, 2006. Other deadlines previously set by		
the court shall remain in effect absent further order of the court, except that if defendants move to		
dismiss for lack of subject-matter jurisdiction by October 31, 2006, the reply briefs currently due		
November 10, 2006 may be filed the following Monday, November 13. If the defendants move to		
dismiss for lack of subject-matter jurisdiction after October 31, 2006, the parties shall endeavor to		
have the motion briefed and heard as soon as possible.		

United States District Judge

DATED: 10/26/06

ORDER REGARDING SUBJECT-MATTER JURISDICTION—MDL-1423 JAH $$

1	A copy of this order was mailed on	to:
2	Counsel for Plaintiff:	Kieran Patrick Fallon 436 SW 8th Street
3	John P. Sutton 2421 Pierce Street	Miami, FL 33130-2814
4	San Francisco, CA 94115-1131	Matthew Francis McGahren Baum & McGahren
5	Counsel for Defendants:	6171 Crooked Creek Road Norcross, GA 30092
6	Alan M. Weisberg, Steven M. Greenberg	
7	Christopher & Weisberg, P.A. 200 E. Las Olas Avenue	Lori D. Greendorfer, Maxim H. Waldbaum Schiff Hardin LLP
'	Suite 2040	623 Fifth Avenue
8	Fort Lauderdale, FL 33301	28th Floor
0		New York, NY 10022
9	John C. Carey	Thomas T. Tamlyn
10	Rodriguez Greenberg & Paul 1395 Brickell Ave, Suite 700	Thomas T. Tamlyn Yeskoo Hogan & Tamlyn, LLP
- 0	Miami, FL 33131	535 Fifth Avenue
11		New York, NY 10017
12	Felice B. Galant, Gregory B. Wood Fulbright & Jaworski L.L.P.	Peter S. Canelias
12	865 South Figueroa Street	Law Offices of Peter S. Canelias
13	Twenty-Ninth Floor	420 Lexington Avenue
1.4	Los Angeles, CA 90017	Suite 2148
14	Joseph P. Zammit	New York, NY 10170
15	Fulbright & Jaworski	David T. Alexander
	666 Fifth Avenue	MBV Law LLP
16	New York, NY 10103	855 Front Street
17	John F. Mardula, Jon L. Roberts	San Francisco, CA 94111
• /	Roberts Mardula & Wertheim, LLC	Jon M. Gibbs
18	11800 Sunrise Valley Drive	Akerman, Senterfitt
19	Suite 1000 Reston, VA 20191-5302	255 S. Orange Avenue Suite 1700
19	Restoll, VA 20191-3302	Post Office Box 0231
20		Orlando, FL 32802-0231
21	Mitchell Silberberg & Knupp LLP	
21	11377 West Olympic Boulevard Los Angeles, CA 90064-1683	Elizabeth E. Green, R. Scott Shuker Gronek & Latham, LLP
22	Los Aligeles, CA 70004-1003	390 N. Orange Avenue
	Jeffrey L. Silvestrini, Brian F. Roberts	Suite 600
23	Cohne Rappaport & Segal	Orlando, FL 32801
24	P.O. Box 11008 Salt Lake City, UT 84147-0008	Meredith L. Caliman
2-	Buil Lake City, 61 04147 0000	Meredith L. Caliman Law Offices
25	Raymond J. Etcheverry	3858 Carson Street, Suite 120
26	Parsons, Behle & Latimer	Torrance, CA 90503-6705
26	One Utah Center 201 South Main Street,	Gregory J. Nelson
27	Suite 1800, Post Office Box 45898	Nelson & Roediger
	Salt Lake Ćity, UT 84145	3333 E Camelback Road, Suite 212
28		Phoenix, AZ 85018

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Peter Neil Greenfeld **Courtesy Copy:** 1 Greenfeld Law Group 3333 E Camelback Road, Suite 212 Clerk of the Panel Judicial Panel on Multidistrict Litigation Phoenix, AZ 85018-2324 3 Thurgood Marshall Federal Judiciary Building Matthew McGahren One Columbus Circle, N.E. Baum, McGahren & Chiu, LLC Room G-255, North Lobby 4 Washington, DC 20002-8004 6171 Crooked Creek Road 5 Norcross, GA 30092 6 7 Counsel for plaintiff is responsible for ensuring that involved attorneys not on the above service list receive a copy of this order, if necessary, and shall inform the court of any omissions. 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26

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